



United States Department of the Interior

IDAHO FISH AND WILDLIFE OFFICE

1387 S. Vinnell Way, Room 368

Boise, Idaho 83709

Telephone (208) 378-5243

<http://www.fws.gov/idaho>



Bull Trout Listing and Critical Habitat History 1992-2010

October 30, 1992

The Service received a petition to list bull trout as an endangered species throughout its range from the Friends of the Wild Swan, Alliance for the Wild Rockies, and the Swan View Coalition.

January 7, 1993

The Service received a second petition requesting the listing of bull trout in the Klamath River Basin from the Oregon Chapter of the American Fisheries Society.

May 17, 1993

The Service published in the Federal Register a 90-day petition finding determining that the petitioners had provided substantial information indicating that listing of bull trout may be warranted (58 FR 28849).

June 10, 1994

The Service published in the Federal Register a 12-month finding that listing was warranted for bull trout within the coterminous United States, but precluded by other higher priority work. Due to the lack of information, the Service found that listing bull trout in Alaska and Canada was not warranted (59 FR 30254).

November 1, 1994

Two of the petitioners, Friends of the Wild Swan and Alliance for the Wild Rockies, filed a lawsuit challenging the June 1994 finding.

June 12, 1995

The Service published in the Federal Register the June 10, 1994, conclusion that listing was still warranted but precluded (60 FR 30825).

June 22, 1995

The U.S. District Court of Oregon issued an order declaring the 1994 challenge to the original finding moot because the Service had issued a 1995 finding. The court instructed the plaintiffs to amend their complaint to challenge the 1995 finding if they so desired. The plaintiffs declined to amend their complaint and instead filed an appeal with the Ninth U.S. Circuit Court of Appeals.

April 2, 1996

The Ninth U.S. Circuit Court of Appeals overturned the U.S. District Court in Oregon and remanded the case to the District Court for further proceedings.

November 13, 1996

The U.S. District Court of Oregon granted the plaintiffs' motion for summary judgment, directing the Service to reconsider the 1994 finding and respond to the court within four months. The ruling included specific direction to consider only the information in the Service record at the time of the original 1994 finding.

March 13, 1997

In compliance with the District Court order, the Service issued a reconsidered finding based solely on the 1994 record, which concluded that two population segments of bull trout warranted listing (Klamath River and Columbia River population segments).

March 25, 1997

Plaintiffs petitioned the court to compel the Service to issue a proposed rule within 30 days to list the Klamath and Columbia River bull trout populations based on the 1994 record.

April 11, 1997

The Service and the plaintiffs signed an agreement stipulating that within 60 days the Service would complete a proposed rule to list the Klamath River population segment as endangered and the Columbia River distinct segment as threatened.

June 13, 1997

A proposed rule to list the Klamath River basin bull trout population segment as endangered and the Columbia River population segment as threatened was published in the Federal Register by the Service (62 FR 32268).

December 4, 1997

The U.S. District Court in Oregon ordered the Service to reconsider several aspects of the 1997 finding concerning listing of bull trout. The court directed the Service to consider whether listing of the bull trout was warranted throughout its range; whether listing was warranted throughout the coterminous United States; if the Service determined that listing throughout its range, or throughout the coterminous United States was not warranted, or is warranted but precluded; and whether listing of the Coastal-Puget Sound distinct population segment was warranted. The court subsequently directed the Service to prepare its response by June 12, 1998.

June 10, 1998

The Service published in the Federal Register a final rule to list the Klamath River and the Columbia River bull trout population segments as threatened under the Endangered Species Act (ESA) (63 FR 31647).

August 11, 1998

The Service published in the Federal Register an emergency-listing of the Jarbidge River (Idaho, Nevada) bull trout population segment as endangered after road crews from the Elko County Road Department destroyed 27 percent of the river's bull trout habitat while conducting unauthorized road construction activities (63 FR 42757).

April 8, 1999

The Service published a final rule in the Federal Register to list the Jarbidge River population of bull trout as threatened under the ESA (64 FR 17110).

November 1, 1999

The Service published a final rule in the Federal Register to list all bull trout in the coterminous United States as threatened (64 FR 58909).

November 29, 2002

The Service published in the Federal Register a notice of document availability for review and comment for the Draft Recovery Plan for the three of the five Distinct Population Segments of Bull Trout (Klamath River, Columbia River and Saint Mary-Belly River populations) (67 FR 71439).

November 29, 2002

The Service published in the Federal Register a proposed rule for the designation of critical habitat for the Klamath River and Columbia River distinct population segments of bull trout and notice of availability of the draft recovery plan (67 FR 71235) for those populations.

June 25, 2004

The Service published in the Federal Register a proposed rule for the designation of critical habitat for the Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout (69 FR 35768).

July 1, 2004

The Service published in the Federal Register a notice of document availability for review and comment for the draft Recovery Plan for the Coastal-Puget Sound (69 FR 39950) and Jarbidge (69 FR 39951) distinct population segments of bull trout.

October 6, 2004

The Service published a final rule in the Federal Register designation of critical habitat for the Klamath River and Columbia River populations of bull trout (69 FR 59995).

December 14, 2004

Alliance for the Wild Rockies et al filed a complaint challenging the adequacy of the final critical habitat designation for the Klamath River and Columbia River bull trout populations. Our motion for partial voluntary remand was subsequently granted by the court with a final rule due by September 15, 2005.

May 25, 2005

The Service published in the Federal Register a final rule to open the comment period for the proposed and final designation of critical habitat for the Klamath River and Columbia River populations of bull trout (70 FR 29998).

June 6, 2005

The Service published a notice clarifying the reopening until June 24, 2005, of the comment period for the proposed and final designation of critical habitat for the Klamath River and Columbia River bull trout populations (70 FR 32732).

May 3, 2005

The Service published a notice of the availability of the draft economic analysis (DEA) and reopening of a 30-day comment period until June 2, 2005 (70 FR 22835), for the Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout.

June 27, 2005

U.S. District Judge Robert Jones extended the deadline for designating critical habitat for the Puget Sound-Coastal, Jarbidge and St. Mary-Belly River bull trout populations to September 15, 2005.

September 26, 2005

The Service published a final rule designating critical habitat for the Klamath River, Columbia River, Jarbidge River, Coastal-Puget Sound and Saint Mary-Belly River populations of bull trout (70 FR 56212).

January 5, 2006

Amended complaint filed by Alliance for the Wild Rockies and Friends of the Wild Swan challenging the Service's final critical habitat designation for bull trout (U.S. District Court of Oregon).

August 2006

Bull Trout 5-Year Review report not released due to two additional needs: Distinct Population Segment policy and affected states' questions and concerns regarding the status review process.

April 27, 2007

Oral arguments in the case before U.S. District Court, Oregon, Judge Robert Jones in Portland, Oregon.

July 2007

The Service asks affected state and federal agencies and tribes to participate in a Bull Trout 5-Year Review Collaboration Team to help with completion of the review.

April 2008

The Service completes the 5-year Review with two recommendations: Maintain "threatened" status for bull trout as currently listed and evaluate whether to designate multiple Distinct Population Segments (DPSs).

December 22, 2008

The Service notifies the court of its intent to review a December 15, 2008 Interior Department Inspector General Report disclosing irregularities in development of its 2005 bull trout final critical habitat designation.

March 23, 2009

The Service requests a voluntary remand of the 2005 final critical habitat rule to address irregularities in the rule-making process and outcome as identified by the 2008 Inspector General report.

July 1, 2009

The court grants the Service's request for a remand, and directs the Service to submit a proposed revision to the Federal Register by December 31, 2009, and a final designation by September 30, 2010. The 2005 designation will remain in effect until a revised designation is final.

January 13, 2010

The Service publishes the proposed critical habitat revision, a Justification document that includes Rationale for Why Habitat is Essential and Documentation of Occupancy, and Draft Economic Analysis.

A 60-day public comment opens on publication date. Public informational meetings are arranged in five state (OR, WA, ID, MT, NV) during the month of February, 2010. One public hearing is scheduled for January 25, 2010 in Boise, Idaho.

September 30, 2010

The Service submits a Final Critical Habitat Designation Rule for Bull Trout to the *Federal Register*.

October 12, 2010

The final Critical Habitat Designation Rule for Bull Trout goes on public view at the *Federal Register*.

October 18, 2010

The final Critical Habitat Designation Rule for Bull Trout is published in the *Federal Register*.

November 17, 2010

The final Critical Habitat Designation Rule for Bull Trout goes into effect.